

REMARKS

The following comments are responsive to the Office Action mailed April 2, 2009 (“Action”). Reconsideration and allowance are respectfully requested based on the above amendments and the below remarks.

Transitional After Final Practice

On page 2, the Action indicates that this application is eligible for the transitional procedure under 37 CFR 1.129(a). This paragraph appears to have been inserted in error, as it appears that the Office may have intended to indicate that prosecution has been reopened due to the Pre-Appeal Brief Panel decision to withdraw the finality of the previous rejection.

Claim Rejections Under 35 U.S.C. § 101

Claims 2, 7-14, 20, 24-36, and 39-55 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. *See* Action, p. 2-3. Applicants respectfully traverse.

A. Comments on Claims 39, 41, and 55, and their Dependent Claims

On page 2, the Action alleges that claims 39, 41, and 55 directed to an Electronic Program Guide (EPG) do not fall within the statutory categories set forth under 35 U.S.C. § 101. The Action indicates that a process occurring as a result of executing a program is statutory. *See* Action, p. 2 (“Claims 39, 41, and 55 are . . . directed to the program itself, not a process occurring as result of executing the program”). To overcome the rejection, claims 39, 41, and 55 have been amended into apparatus claims including a processor configured to cause display of an Electronic Program Guide. Support for these claim amendments may be found at least in Fig.

1 and paragraph 0026 of the application as published. *See* U.S. PGPUB 2005/0235321.

Accordingly, Applicants submit that claims 39, 41, and 55, as well as their dependent claims, are statutory and respectfully request withdrawal of the rejection under 35 U.S.C. § 101.

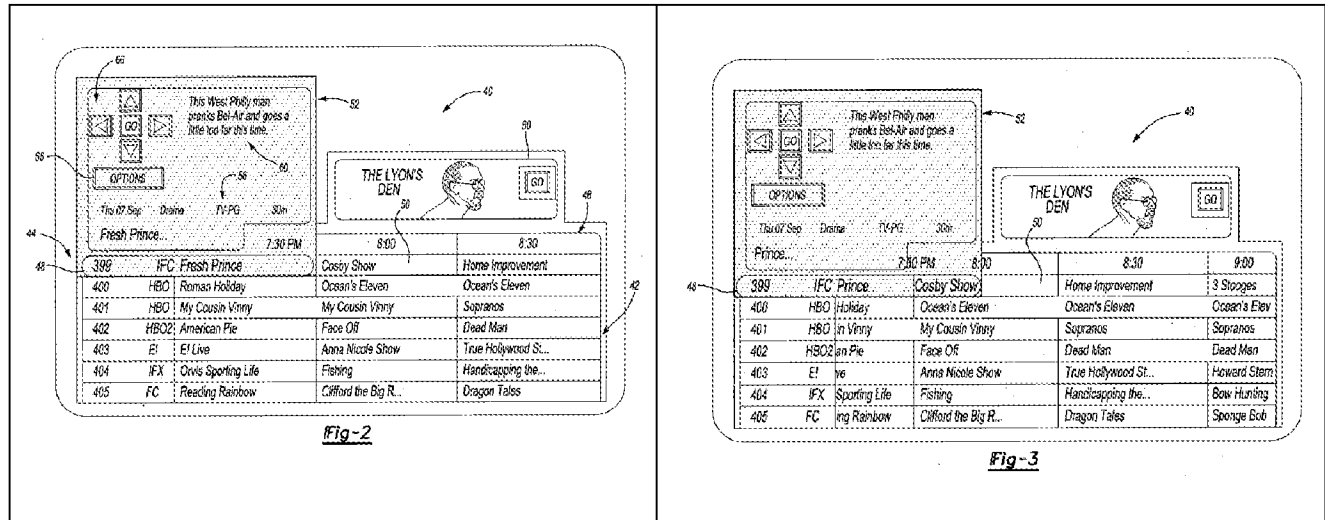
B. Comments on Claims 47 and 54, and their Dependent Claims

On page 2, the Action alleges that the methods recited in claims 47 and 54 are non-statutory because they are not tied to any statutory subject matter such as an apparatus or a computing device. Claims 47 and 54 have been amended to recite a processing device. Applicants submit that claims 47 and 54, as well as their dependent claims, are statutory and respectfully request withdrawal of the rejection under 35 U.S.C. § 101.

Claim Rejections Under 35 U.S.C. § 102

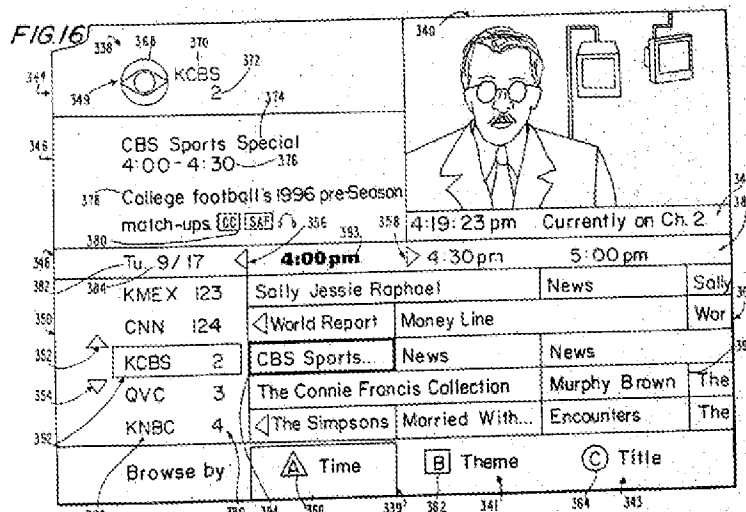
Claims 54 and 55 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lajoie et al. (US 2005/0015804). *See* Action, p. 3. Applicants respectfully traverse for at least the following reasons.

Claim 54 has been amended to recite “wherein a first program title occupies a window displaying program information about a first program, and when a second program title is caused to scroll into the window, at least a portion of the first program title and the second program title share the window until the first program title exits the window.” An example of this claim feature is illustrated in Figs. 2-3, reproduced below:



In the example in Fig. 2, the title “Fresh Prince” occupies window 52 displaying program information about the “Fresh Prince” program. In the example in Fig. 3, the title “Cosby Show” is caused to scroll into the window 52, and, during scrolling, at least a portion of the title “Fresh Prince” and the title “Cosby Show” share the window 52 until the title “Fresh Prince” title exits window 52.

Lajoie fails to disclose any analogous window sharing during scrolling of program titles in the manner claimed. To reject claim 54, the Action relies on Figure 16 of Lajoie, reproduced below:



Lajoie describes scrolling in Fig. 16 at paragraph 0124, indicating that:

cursor 394 does not move within grid 366 of the interactive program guide. . . .
As the subscriber presses left and right arrow keys 128, times 386 in date and time bar 348 and program cells 396 in grid 366 scroll right and left, respectively. In the vertical directions, call signs 388, channel numbers 390, and cells 396 scroll one row for each depression of up or down arrow key 128. In the horizontal direction, times 386 and cells 396 scroll one time increment (e.g., one half hour as illustrated) for each depression of the left or right arrow key 128.

Notably, Lajoie does not teach or suggest “when a second program title is caused to scroll into the window, at least a portion of the first program title and the second program title share the window until the first program title exits the window,” and hence amended claim 54 defines over Lajoie. Accordingly, Applicants respectfully request withdrawal of the claim 54 rejection under 35 U.S.C. § 102.

Claim 55 recites features similar to those found in claim 54 and defines over Lajoie for at least analogous reasons.

CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: August 3, 2009

By: Christopher M. Swickhamer
Christopher M. Swickhamer
Registration No. 59,853
BANNER & WITCOFF, LTD.
10 South Wacker Drive,
Suite 3000
Chicago, IL 60606
Telephone: 312-463-5000
Facsimile: 312-463-5001